

AN ORDINANCE

07-O-1800

BY COUNCILMEMBERS C. T. MARTIN, CEASAR C. MITCHELL, H. LAMAR WILLIS, IVORY L. YOUNG JR. AND JOYCE M. SHEPERD

AS SUBSTITUTED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

TO CREATE SECTION 106-13 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA TO BE ENTITLED “WEARING OF PANTS BELOW THE WAIST IN PUBLIC, UNLAWFUL”; TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

Whereas, the City has the responsibility to regulate and prohibit any act, practice, or conduct which is detrimental or likely to be detrimental, to the health, sanitation, cleanliness, welfare and safety of the inhabitants of the City and to provide for the enforcement of such standards; and

Whereas, the City has the power to make, ordain, and establish such ordinances, rules and regulations as shall appear necessary for the security, welfare, convenience and interest of the City and its inhabitants and for preserving the health, peace, order and good government of the City; and

Whereas, pursuant to its police powers, the City is authorized to enact legislation to regulate certain conduct which could affect the public health, safety and welfare; and

Whereas, the dress fad of wearing low hanging/saggy pants which exposes one's underwear is becoming a major concern for communities, cities and states around the country; and

Whereas, some jurisdictions are taking action to limit the exposure of one's underwear in a public setting by enacting legislation which impose sanctions for the violation thereof; and

Whereas, this issue is being debated in other parts of the country, in school districts and among elected officials who are seeking remedies and solutions to curtail this practice which has become an epidemic among our youth; and

Whereas, the debate in the City of Atlanta centers around the compatibility of such style of dress with standards acceptable to that of the general community as a whole.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA
HEREBY ORDAINS as follows:**

Section 1: Section 106-13 of the Code of Ordinances is hereby created which shall provide as follows:

Section 106-13. Wearing of pants below the waist in public, unlawful

- (a) It shall be unlawful for any person to appear in public wearing pants below the waist which expose the skin or undergarments.
- (b) Any person convicted of violating the provisions of this section shall be punished by a fine not to exceed \$100.00 plus up to eight hours of work on the public streets of the city.
- (c) Any violation of subsection (a) hereof shall be cited by the law enforcement officer by the issuance of a citation and summons to appear before a court of proper jurisdiction, and shall not, in and of itself, be grounds for an arrest or for a search of the person cited.

Section 2: All ordinances or parts of ordinances in conflict herewith are hereby waived to the extent of any such conflict.

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COUNCILMEMBERS C. T. MARTIN, CEASAR C. MITCHELL, H. LAMAR WILLIS & IVORY L. YOUNG, JR.

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TO AMEND SECTION 106-129 OF THE CITY OF ATLANTA CODE OF ORDINANCES BY ADDING A NEW SUBPARAGRAPH (4) WHICH MAKES IT ILLEGAL TO EXPOSE ONE'S UNDERGARMENTS IN A PUBLIC SETTING; AND FOR OTHER PURPOSES.

WHEREAS, the dress fad of wearing low hanging/saggy pants which exposes ones underwear is becoming a major concern for communities, cities and states around the country; and

WHEREAS, some jurisdictions are taking action to limit the exposure of a person's underwear in a public setting by implementing indecent exposure legislation to curtail this cultural phenomenon; and

WHEREAS, city of Delcambre, LA unanimously passed an ordinance outlawing indecent exposure in the form of sagging pants which carries a fine of \$500.00 or up to six (6) months in jail for exposing your underwear in public; and

WHEREAS, other parts of the country, school districts, city councils and mayors are seeking remedies for what is becoming an epidemic among our youth

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: That Section 106-129 is hereby amended by inserting a new subparagraph (4) which reads as follows:

It shall be unlawful for any person to perform any of the following acts in a public place:

- (1) An act, or simulated act, of sexual intercourse;
- (2) An exposure of one's genitals, or of one's breasts, if female; or
- (3) The touching, caressing or fondling of the genitals, or the breast of a female.
- (4) The indecent exposure of his or her undergarments.

SECTION 2: That all ordinances and parts of ordinances in conflict herewith be and the same are hereby waived in this instance only.

CODE OF ORDINANCES City of ATLANTA, GEORGIA Codified through Ord. No. 2007-10(07-O-0273), enacted March 14, 2007. (Supplement No. 37) \ PART II CODE OF ORDINANCES—GENERAL ORDINANCES \ Chapter 106 OFFENSES AND MISCELLANEOUS PROVISIONS* \ ARTICLE IV. OFFENSES AGAINST PUBLIC MORALS \ DIVISION 1. GENERALLY

Sec. 106-129. Indecency.

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- (2) An exposure of one's genitals, or of one's breasts, if female; or
- (3) The touching, caressing or fondling of the genitals, or the breast of a female.

(Code 1977, § 17-2003)

State law reference(s)--Public indecency, O.C.G.A. § 16-6-8.